

REMARKS

Early and favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1, 2 and 4-32 are pending in the present application; all have been rejected. An amendment was filed November 14, 2006. Applicants respectfully submit that the amendment to the claims in the previous amendment be entered as well as the amendments made herein. After submitting the prior amendment it was realized that statements of common ownership pursuant to MPEP 706.02(1) and terminal disclaimers would render most of the previous rejections moot.

Claims 1, 20 and 22 have been amended for clarification as suggested by the Examiner in paragraph 3 of the office action; no new matter has been added by this amendment.

Claims 1, 2, and 4-32 were rejected under 35 U.S.C. §103(a) as unpatentable over either of U.S. Patent Application Publication No. 2003/0198892 to Ezbiansky et al. (hereinafter Ezbiansky '892), U.S. Patent No. 6,790,501 to van de Grampel et al. (hereinafter van de Grampel '501), U.S. Patent Application Publication No. 2003/0205323 to Ezbiansky et al. (hereinafter Ezbiansky '323), or U.S. Patent No. 6,866,909 to Wisnudel et al. (hereinafter Wisnudel '909), in view of Akiyama et al. JP 60-261046 (hereinafter Akiyama '046) or Akiyama et al. JP 60-256944 (hereinafter Akiyama '944). It is respectfully submitted that the primary references qualify as art under 35 USC §102(e) and each one is owned by a common Assignee of record, namely,

General Electric Company, and is therefore not properly citable as prior art against the present application.

More particularly and as per MPEP § 706.02(I), the present application was filed after November 29, 1999 and on information and belief the claims of the present application and the cited publications and patents, specifically Ezbiansky '892, van de Grampel 501, Ezbiansky '323 and Wisnudel '909, relate to subject matter which were at the time the invention was made, owned by the same corporation and under an obligation of assignment to the same corporation, namely, General Electric Company. In accordance with MPEP §706.02(I), the above statement is sufficient evidence to show common ownership at the time the invention was made:

Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. MPEP §702(I).

In view of the foregoing, it is respectfully submitted that the Ezbiansky '892, van de Grampel '501, Ezbiansky '323 and/or Wisnudel '909 are disqualified as prior art against claims 1, 2 and 4-32 of the present invention and thus the withdrawal of the previous rejections is respectfully requested.

Claims 1, 2 and 4-32 were rejected on the ground of nonstatutory obviousness type double patenting over claims 1-39 of van de Grampel '501 in view of Akiyama '046 and Akiyama '944.

Applicants submit herewith a Terminal Disclaimer to obviate the double patenting rejection over the primary reference, specifically van de Grampel '501. Accordingly, in view of the submission of the Terminal Disclaimer, Applicants respectfully submit that the rejection of claims 1, 2 and 4-32 under the nonstatutory ground of obviousness-type double patenting over van de Grampel '501 in view of Akiyama '046, has been overcome.

Claims 1, 2 and 4-32 were rejected on the ground of nonstatutory obviousness type double patenting over claims 1-31 of Wisnudel '909 in view of Akiyama '046 and Akiyama '944.

Applicants submit herewith a Terminal Disclaimer to obviate the double patenting rejection over the primary reference, specifically Wisnudel '909. Accordingly, in view of the submission of the Terminal Disclaimer, Applicants respectfully submit that the rejection of claims 1, 2 and 4-32 under the nonstatutory ground of obviousness-type double patenting over Wisnudel '909 in view of Akiyama '046 and Akiyama '944, has been overcome.

It is believed that the claims of the application, i.e., claims 1, 2 and 4-32, are patentably distinct over the art of record and are in condition for allowance. In the event that the examiner believes that a telephone conference or a personal interview may facilitate resolution of any

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remaining matters, the undersigned may be contacted at the number indicated below. In view of the foregoing amendment and remarks, early and favorable action on this application are earnestly solicited.

Respectfully submitted,



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